

## **REMARKS**

Claims 1, 4 through 8, 10 through 28, and 34 are now pending in the application. Claim 9 is herein canceled. Claims 29 through 33 are withdrawn. Claims 1, 8, 12, 14, 18, 25, and 34 are herein amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **TELEPHONIC INTERVIEW**

Applicant wishes to thank the Examiner for the courtesies extended to the representative, Thomas Krul, during a telephonic interview conducted on March 29, 2006. During the interview, proposed arguments for overcoming the 35 U.S.C. § 112, first paragraph rejections of Claims 1, 4-28, and 34 were discussed and the Examiner agreed to consider withdrawing the Office Action mailed January 3, 2006.

## **REJECTION UNDER 35 U.S.C. § 112**

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claim 12 has been amended to distinctly claim the subject matter which Applicant regards as the invention. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, second paragraph rejection of Claim 12.

## REJECTION UNDER 35 U.S.C. § 103

Claims 1, 4-8, and 10-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gronau et al. (U.S. Pat. No. 5,542,158), in view of Smith et al. (U.S. Pat. No. 6,381,811). This rejection is respectfully traversed.

It is initially noted Claim 1 has been amended to recite in part:

“a metal second portion including a single central body portion defining a plane having an edge partially embedded in the support posts to non-releasably connect the second to the first portion, the second portion having at least two deflection wings extending from the central body portion and entirely free from the first portion on the first side of the flexible skirt.”

Support for this amendment is found in paragraph [0030] of the specification and Figure 6.

Gronau et al. appear to teach a metal retention prong member 20 which is engageable within an aperture 12 of a body panel member 10. See column 3, lines 3-10. Assembly of the Gronau et al. device includes “the metal pliable member 20 is fixedly connected to the depending member 30 of the interior panel 32.” See column 3, lines 22-23. As further disclosed, “In Fig. 2 the prong 20 is shown just prior to being inserted into the grommet 14 that is fitted in the aperture 12 of the body panel 10.” See column 3, lines 26-28. “In FIG. 3 the prong is shown fully inserted into the grommet 14.” See column 3, lines 29-30. “The expansion of the prong 20 back to its former state, which is wider than the aperture 12 and also wider than the width of the flexible

grommet 14, causes the flexible grommet to expand, thus causing its sidewalls to squeeze tightly against the rim of the aperture 12." See column 3, lines 33-38. In contrast to Applicants, Gronau et al. therefore appear to teach a releasable surface-contact-only connection between plastic grommet 14 and metal prong 20.

Because Gronau et al. teaches that the prong 20 is separately inserted into and only contacts the inner walls of the grommet 14, Gronau et al. does not teach or suggest a metal second portion including a single central body portion defining a plane having an edge partially embedded in the support posts to non-releasably connect the second to the first portion, the second portion having at least two deflection wings extending from the central body portion and entirely free from the first portion on the first side of the flexible skirt as recited in amended Claim 1.

Smith et al. appear to teach "a U-shaped structure 12 having a first side 14, a second side 16, a top end 18, and a bottom end 20." See column 4, lines 45-47. Smith et al. further defines that "On each side 14 and 16 of the U-shaped structure 12 there is a spring leg 22, extending outwardly from the U-shaped structure 12." See column 4, lines 48-50. Smith et al. also teach "An elastic body 28 is integrally molded on the U-shaped structure 12 at least under the top end 18, with the exception of at least the free end 26 of each extending leg 22. The elastic body 28 has a closed cavity 30 within the first side 14 and the second side 16 of said U-shaped structure 12." See column 4, lines 54-58. The entire U-shaped structure together with a portion of each extending leg 22 therefore appears to be enclosed within the elastic body 28 with the exception of a portion of the free ends of the extending legs.

Smith et al. do not teach or suggest a flexible skirt, a metal second portion including a central body portion defining a plane having at least two deflection wings extending from the central body portion and entirely free from the first portion, or the central body portion having an edge partially embedded in the support posts to non-releasably connect the second to the first portion as recited in amended Claim 1.

The suggested modification of Gronau et al. with Smith et al. therefore cannot render Claim 1 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 1. Because Claims 4-8, and 10-11 depend from Claim 1, the suggested modification of Gronau et al. with Smith et al. cannot render any of Claims 4-8 or 10-11 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 4-8 and 10-11.

It is initially noted Claim 12 has been amended to recite in part:

"a metallic second portion including a single substantially planar central body portion having an edge partially embedded into the flange of each of the support posts, non-releasably connecting the second portion to the flange of the support posts, the second portion further including a pair of integrally connected metallic deflectable wings, the deflectable wings extendable toward the flexible skirt and entirely free from the first portion, the first and second portions defining a unitary insert fastener having the first portion inseparable from the second portion.

Support for this amendment is found in paragraph [0030] of the specification and Figure 6.

For at least the same reasons noted above with respect to Claim 1, the suggested modification of Gronau et al. with Smith et al. cannot render Claim 12 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 12. Because Claims 13-17 depend from Claim 12, the suggested modification of Gronau et al. with Smith et al. cannot render any of Claims 13-17 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 13-17.

It is initially noted Claim 18 has been amended to recite in part:

“a fastener having a metallic portion and a polymeric portion;  
at least one U-shaped member of the metallic portion adapted to receive a  
fixed rib connectably joined to a trim piece;  
a pair of support posts extending from the polymeric portion and operably  
engageable within a substantially rectangular aperture of the body panel;  
and  
an edge of the metallic portion partially embedded into and non-releasably  
attached to each of the pair of support posts defining a unitary fastener  
member;  
a pair of deflectable wings integrally connected to the second portion, the  
deflectable wings extendable toward the flexible skirt;  
wherein the deflectable wings are oriented entirely free from the  
first portion and adapted to deflect toward each other.”

Support for this amendment is found in paragraphs [0023] and [0030] of the specification and Figure 6.

For at least the same reasons noted above with respect to Claim 1, the suggested modification of Gronau et al. with Smith et al. cannot render Claim 18 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 18. Because Claims 19-28 depend from Claim 18, the suggested modification of Gronau et al. with Smith et al. cannot render any of Claims 19-28 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 19-28.

Claims 9 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gronau (U.S. Pat. No. 5,542,158) and Smith et al. (U.S. Pat. No. 6,381,811), as applied to claims 1, 4-8 and 10-28 above, and in further view of Okada (U.S. Pat. No. 4,865,505). This rejection is respectfully traversed.

It is initially noted Claim 9 has been canceled, rendering the 35 U.S.C. 103(a) rejection of Claim 9 moot.

It is also initially noted Claim 34 has been amended to recite in part:

“wherein the edge of the second portion is partially embedded into each of the flange and the outer web.”

Support for this amendment is found in paragraph [0030] of the specification and Figure 6.

None of the references of Bronau et al., Smith et al., or Okada teach or suggest a metal second portion having an edge that is partially embedded into both a flange and a substantially perpendicularly oriented outer web of a pair of support posts. The suggested modification of Bronau et al., Smith et al., and Okada therefore cannot

render Claim 34 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. 103(a) rejection of Claim 34.

**AMENDED CLAIMS**

Claim 8 has been amended to recite in part the plate portion is partially and fixedly received within the bridge. Support for this amendment is found in paragraphs [0005] and [0021] of the specification. The Examiner is respectfully requested to enter amended Claim 8.

Claim 14 has been amended to delete reference to the [second portion comprises a central portion insert moldable with the support posts] because connection of the central portion has been incorporated in Claim 12. Additional editorial amendments have also been made to Claim 14. The Examiner is respectfully requested to enter amended Claim 14.

Claim 24 has been amended to delete reference to the [moldable] portion and to add reference to the polymeric portion for proper antecedent basis with amended Claim 18. The Examiner is respectfully requested to enter amended Claim 24.

Claim 25 has been amended to recite the fixed rib is homogenously connected to a doghouse assembly to delete reference to the process used to connect the parts. Because the molding process inherently results in homogenous components, support for this amendment is found in paragraph [0023] of the specification. The Examiner is respectfully requested to enter amended Claim 25.

**PRODUCT BY PROCESS CLAIMS**

On page 2 of the Office Action mailed May 22, 2006, the Examiner noted Claims 1, 12, and 18 are product by process claims. Applicant notes amendments made herein to Claims 1, 12, and 18 have deleted reference to a molding or insert-molding process previously recited for the fastener(s). Applicant therefore notes Claims 1, 12, and 18 should therefore be in apparatus format. Similar amendments have been made to dependent Claims 8, 14, 24, 25, and 34 for consistency with the independent claims.

**CLARIFICATION**

On page 2 of the Office Action mailed May 22, 2006 under the heading "Election/Restrictions", the Examiner noted "Applicant timely traversed the restriction (election) requirement in the reply filed on 6/16/06" Applicant notes the response to the notice of restriction was filed on 6/16/05.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 21, 2006

By:

  
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